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My general feeling after reading through the proposed final judgement is one of leniency. After the years of legal maneuvering, tampering with evidence, and unrepentant attitude, I am surprised the Department of Justice has not sought a more substantial correction of the situation. Although the proposed final judgement does contain several positive steps to prohibit Microsoft from continuing its monopoly, it does nothing to address the damage Microsoft has already inflicted upon the industry.

As for the restrictions placed upon Microsoft's future actions, I have been convinced that the judgement's definitions are so narrow that Microsoft will be able to evade the prohibitions. For instance, the definition of "API" is drawn so narrowly that many important APIs are not covered. Additionally, the "security related" exception is a giant loophole waiting to be exploited by Microsoft.

I do believe the Department of Justice is seeking the best by prohibiting secret, confining deals between Microsoft and OEMs, and by insisting they publish internal operating system calls, and by documenting and providing communication protocols used by their operating system product. These prohibitions will help end Microsoft's monopoly on the desktop.

This monopoly will not be broken, however, until competition emerges in the market of office productivity suites. Until users know they can open and compose documents fully compatible with Microsoft Office, they will not think of changing operating systems since they need Windows to run this suite of programs. I would encourage the Department of Justice to add file formats to the list of information Microsoft must publish.

Thank you for your consideration of my suggestions in this matter.

Sincerely,



Bernie Hoefler